

DOCUMENT RESUME

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[Administrative Determination of per Diem Amount]. B-189392.
August 23, 1977. 4 pp.

Decision re: Jerry G. Witherspoon; by Robert F. Keller, Acting
Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation
(305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel
Management (805).

Organization Concerned: Department of Health, Education, and
Welfare: Kansas City, MO.

Authority: DHEW Travel Manual, ch. 6-00-10-B. F.T.R. (FPMR
101-7), para. 1-7.1b. F.T.R. (FPMR 101-7), para. 1-7.3c.
F.T.R. (FPMR 101-7), para. 1-7.6(b).

Don E. Roberts, Authorized Certifying Officer for the
Department of Health, Education, and Welfare, Kansas City,
Missouri, requested an advance decision as to whether per diem
may be allowed an employee for lodging in his privately owned
trailer while on temporary duty. The employee may not be
reimbursed for the vehicle's upkeep and maintenance for the
period of such lodging, but may be reimbursed for expenses
incurred incident to actual subsistence, such as food, propane
for heating, rental site costs, and the cost of utilities.
(Author/SC)

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Susan Dolin
Civ. Pers.



DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-189392

DATE: August 23, 1977

MATTER OF: Jerry G. Witherspoon - Administrative
Determination of Per Diem Amount

DIGEST: An employee who chooses to lodge in a private recreational vehicle at a temporary duty station in lieu of a hotel may not be reimbursed for the vehicle's upkeep and maintenance, including depreciation, for the period of such lodging. He may, however, be reimbursed for expenses incurred incident to actual subsistence, such as food, propane for heating, rental site on which trailer was placed and cost of utilities.

This action is in response to a request for an advance decision from Mr. Don E. Roberts, authorized certifying officer, Department of Health, Education and Welfare (DHEW), Kansas City, Missouri, as to whether per diem may be allowed an employee for lodging in his privately owned trailer while he is on temporary duty.

The record shows that Mr. Jerry Witherspoon had been properly authorized to travel from Kansas City, Missouri, to Lake of the Ozarks, Missouri, for temporary duty consisting of attending a Seminar for Professional Managers. Both mileage and a per diem of \$35 were authorized under the "lodgings-plus" method.

Mr. Witherspoon drove his recreational vehicle to his temporary duty station and there chose to use the vehicle for lodging purposes in lieu of the hotel facilities which had previously been arranged for. He then submitted a voucher to show the costs incurred by his lodging in this particular fashion, which included expenses based upon the vehicle's depreciation as well as normal living expenses at an average of \$8 per day.

Reimbursement of these claimed expenses was denied on the basis of chapter 6-00-10-B of the DHEW Travel Manual which states that:

"For subsistence reimbursement purposes, the cost of lodgings includes only the necessary lodging costs the traveler is

required to pay as a result of or incident to his assignment. Lodging costs do not include expenses incurred in a private residence owned by the traveler or expenses incurred when the traveler is a guest in a private residence."

Paragraph 1-7.1b of the Federal Travel Regulations (FPMR 101-7, May 1973) provides that:

"b. Expenses covered by per diem.

The per diem in lieu of subsistence expenses includes all charges for meals, lodging, personal use of room during daytime, baths, all fees and tips to waiters, porters, baggagemen, bellboys, hotel maids, dining room stewards, and others on vessels, hotel servants in foreign countries, telegrams and telephone calls reserving hotel accommodations, laundry, cleaning and pressing of clothing, fans and fires in rooms, and transportation between places of lodging or business and places where meals are taken except as otherwise provided in 1-2.3b. The term 'lodging' does not include accommodations on airplanes, trains, or steamers, and these expenses are not subsistence expenses. However, availability of such accommodations shall be considered in connection with the establishment of per diem payment rules and the fixing of per diem rates."

It is the responsibility of each department and agency to authorize only such per diem allowances as are justified by the circumstances affecting the travel. Paragraph 1-7.3c of the FTR provides that when lodging away from the official station is required, agencies shall fix per diem for employees partly on the basis of the average amount the traveler pays for lodging:

"c. When lodgings are required.

"(1) For travel in the conterminous United States when lodging away from the

official duty station is required, the per diem rate shall be established on the basis of the average amount the traveler pays for lodging, plus an allowance of \$14 for meals and miscellaneous subsistence expenses. Calculation shall be as follows:

"(a) To determine the average cost of lodging, divide the total amount paid for lodgings during the period covered by the voucher by the number of nights for which lodgings were or would have been required while away from the official station. Exclude from this computation the night of the employee's return to his residence or official station.

"(b) To the average cost of lodging add the allowance for meals and miscellaneous expenses. The resulting amount rounded to the next whole dollar, subject to the maximum prescribed in 1-7.2a, is the rate to be applied to the traveler's reimbursement voucher.

"(2) No minimum allowance is authorized for lodging since those allowances are based on actual lodging costs. Receipts for lodging costs may be required at the discretion of each agency; however, employees are required to certify on their vouchers that per diem claimed is based on the average cost for lodging while on official travel within the conterminous United States during the period covered by the voucher.

"(3) An agency may determine that the lodging-plus method as prescribed herein is not appropriate in circumstances such as

when quarters or meals, or both, are provided at no cost or at a nominal cost by the Government or when for some other reason the subsistence costs to be incurred by the employee can be determined in advance. In such instances a specific per diem rate may be established and reductions made in accordance with this part, provided the exception from the lodging-plus method is authorized in writing by an appropriate official of the agency involved."


Paragraph 1-7.6(b) of the FTR provides that:

"b. Use of travel trailer or camping vehicle. Per diem may be allowed when the traveler uses a travel trailer or camping vehicle while on temporary assignment away from his official station."

The FTR is silent as to the costs which may be considered lodging where the employee uses his camper or trailer in the performance of temporary duty. Pertinent agency regulations, chapter 6-00-10-B, DHEW Travel Manual, states that the term "lodgings" includes, among other accommodations, the rental sites for travel trailers or camping vehicles, including connecting and disconnecting utilities. This would exclude those expenses connected with the upkeep and normal maintenance, such as depreciation.

In view of the foregoing we would not object to Mr. Witherspoon being reimbursed as lodging the cost of the rental site on which his trailer was placed plus applicable utilities upon furnishing the necessary receipts.

Action on the voucher should be taken in accordance with the foregoing.


Acting Comptroller General
of the United States